|  |
| --- |
| Parts in blue print are instructions to user, not to be included in filed document unless so noted. [Parts and references in green font, if any, refer to juvenile proceedings. See Practice Note, this web page, for guidance in adapting forms to juvenile cases.]***PRACTICE TIP***There is no specific rule under the California Rules of Court applicable in this context, but general rule 8.54, governing motions, may be cited. The stay may be necessary, for example, to preserve the status quo in a juvenile case or to preserve the court’s jurisdiction or to seek immediate relief. See, for example, Local Rules of the Court of Appeal, [Fourth Appellate District, rule 1](https://appellate.courts.ca.gov/district-courts/4dca/rules-forms-filing/local-rules-orders) [writ proceedings].  See [ADI Manual](http://www.adi-sandiego.com/panel/manual.asp), chapter 1, section 1.3.14.4, and [ADI’s Motion Practice Guide](http://www.adi-sandiego.com/practice/pract_articles.asp), sections I.B. and II.B.4. |

*[Attorney’s name, bar number*

*address and telephone number*

*Email address and fax number if available]*

Attorney for Defendant and Appellant *[name]*

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION *[NUMBER]***

|  |  |
| --- | --- |
| THE PEOPLE OF THE STATE OF CALIFORNIA,Plaintiff and Respondent,v. *[NAME]*,Defendant and Appellant. | Court of AppealNo. *[number]*Superior CourtNo. *[number]* |

APPEAL FROM THE SUPERIOR COURT OF *[NAME]* COUNTY

Honorable *[Name of trial judge]*, Judge



**APPELLANT’S MOTION FOR STAY OF APPEAL,**

**PENDING *[PROCEEDING]***



TO THE HONORABLE *[NAME]*, PRESIDING JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, FOURTH APPELLATE DISTRICT, DIVISION *[NUMBER]*:

 Defendant *[name]* respectfully requests that the appeal from the judgment rendered in *[name]* County Superior Court, Court of Appeal case number *[number]*, be stayed pending the *[proceeding]*. *[Identify and describe other proceeding, with details such as case number, court, judge, etc.]*

 *[In summary form: Identify what considerations militate in favor of deciding the other proceeding first.]*

 *[In juvenile cases, explain why the stay is consistent with the high priority given such appeals and why it will not prejudice the child or any other party.]*

 This motion is based upon California Rules of Court, rule 8.54, the accompanying memorandum of points and authorities, the attached exhibits *[such as declarations and other documentary evidence]*, and the files and records in Fourth Appellate District case number *[number]*.

**MEMORANDUM OF POINTS AND AUTHORITIES**

 *[Provide adequate procedural and factual background to understand the motion. Describe the issues in both the appeal and the other proceeding.]*

 *[If applicable, explain how resolution of the other proceeding could make resolution of the appeal unnecessary. E.g.: The resolution of the other proceeding may render the issues in this appeal moot in that . . . .]*

 In order to conserve judicial resources and avoid piecemeal or duplicate briefing, counsel requests that the appeal be stayed until the *[other proceeding]* has been resolved.

 For the foregoing reasons, defendant requests the appeal be stayed pending the outcome of the *[other proceeding]*.

Dated: *[date]* Respectfully submitted,

  *[Attorney’s name]*

State Bar No. *[number]*

Attorney for Defendant and Appellant *[name]*

**PROOF OF SERVICE**